

# BARNES & THORNBURG

11 South Meridian Street  
Indianapolis, Indiana 46204

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 30450

Group: 3748

Confirmation No.: 9907

Application No.: 10/775,385

Invention: SYSTEM FOR LIMITING  
TURBOCHARGER ROTATIONAL  
SPEED

Inventors: Scott R. Baize et al.

Filed: February 10, 2004

Attorney

Docket: 29766-74072

Examiner: Richter, Sheldon J.



### Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on December 20, 2005

Angela Kay Rogers  
(Signature)

Angela Kay Rogers  
(Printed Name)

### SUBMISSION OF POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO AND STATEMENT UNDER 37 C.F.R. 3.73(b)

MAIL STOP: ISSUE FEE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits for the above-identified application the following: (1) Power of Attorney to Prosecute Applications Before the USPTO (Form PTO/SB/80) signed on September 26, 2004, by Marya M. Rose, the Vice President, General Counsel & Secretary of the Assignee of Record, and (2) a Statement Under 37 C.F.R. 3.73(b) (Form PTO/SB/96).

Please charge any fees that may be due in connection with this submission to our Deposit Account No. 10-0435, but not to include as payment of any issue fees.

Respectfully submitted,

Jeffrey A. Michael  
Jeffrey A. Michael, Reg. No. 37,394  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3335  
Tel.: (317) 231-7382  
Fax: (317) 231-7433

JAM/akr



PTO/SB/80 (12-03)  
Approved for use through 11/30/2005. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number:

30450

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number |
|------|---------------------|
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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Cummins, Inc.  
500 Jackson Street  
Columbus, IN 47201

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

|           |   |      |           |
|-----------|---|------|-----------|
| Name      | Marilyn M. Rose                                       |      |           |
| Signature |   | Date | 9/28/2004 |
| Title     | Vice President, Gen. Counsel & Secretary 812-377-3609 |      |           |

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

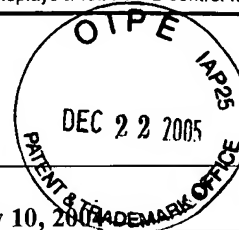
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PTO/SB/96 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**



Applicant/Patent Owner: Scott R. Baize et al.

Application No./Patent No.: 10/775,385

Filed/Issue Date: February 10, 2007

Entitled: **SYSTEM FOR LIMITING TURBOCHARGER ROTATIONAL SPEED**

Cummins, Inc.

, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United Patent States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Jeffrey A. Michael  
Signature  
Jeffrey A. Michael  
Printed or Typed Name

December 20, 2005  
Date

317-231-7382  
Telephone number

Attorney of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT

WHEREAS, Scott R. Baize, Jason V. Dukes, Norbert J. Rehm IV and Dave L. Dunnuck of 1009 B Bexley, Greenwood, IN 46143, 2003 Caldwell Place, Columbus, IN 47201, 141 Meadow Creek Boulevard, Whiteland, IN 46184, and 3520 Orchard Road, Columbus, IN 47201, respectively, hereinafter to as Assignor, has made a new and useful invention in SYSTEM FOR LIMITING TURBOCHARGER ROTATIONAL SPEED for which Assignor has made or will make application for Letters Patent of the United States; and

WHEREAS, Cummins, Inc., hereinafter referred to as Assignee, a corporation of the State of Indiana having a principal place of business at 500 Jackson Street, Columbus, Indiana, 47201 desires to acquire all of the entire right, title and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application, and in, to an under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon;

NOW THEREFORE, to all whom it may concern, be it known that for an in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignor in hand paid the receipt of which is hereby acknowledged, Assignor has sold, assigned and transferred, and by these presents does sell, assign and transfer unto Assignee, all the entire right, title and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and any and all other application thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignor hereby authorizes and requests the firm of Barnes & Thornburg, to insert here in parenthesis (Serial No. 10/775,385, Filed February 10, 2004) the date and serial number of said application when officially known, and Assignor hereby authorizes and requests the Honorable Assistant Secretary and Commissioner of Patents and Trademarks to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignor agrees to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on said invention in this and all foreign countries for the use of Assignee.

WITNESS Assignor's hand this 16<sup>th</sup> day of December, 2005.

Scott R. Baize  
Scott R. Baize

STATE OF INDIANA       )  
                                  )SS:  
COUNTY OF Bartholomew )

Before me, a Notary Public, in and for said County and State, personally appeared the above-named Assignor, to me personally known, and who executed to foregoing Assignment in my presence and acknowledged the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth and expressed.

Amy Engleking  
Notary Public

Printed: Amy Engleking  
My Commission Expires: 12-5-09  
Resident of Jackson County

WITNESS Assignor's hand this 16 day of December, 2005.

Jason V. Dukes  
Jason V. Dukes

STATE OF INDIANA       )  
                                  )SS:  
COUNTY OF Bartholomew )

Before me, a Notary Public, in and for said County and State, personally appeared the above-named Assignor, to me personally known, and who executed to foregoing Assignment in my presence and acknowledged the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth and expressed.

Amy Engleking  
Notary Public

Printed: Amy Engleking  
My Commission Expires: 12-5-09  
Resident of Jackson County

WITNESS Assignor's hand this 16 day of December, 20 05.

Norbert J. Rehm IV  
Norbert J. Rehm IV

STATE OF INDIANA )  
 )SS:  
COUNTY OF JOHNSON )

Before me, a Notary Public, in and for said County and State, personally appeared the above-named Assignor, to me personally known, and who executed to foregoing Assignment in my presence and acknowledged the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth and expressed.

Amy Engleking  
Notary Public

Printed: Amy Engleking  
My Commission Expires: 12-5-09  
Resident of Jackson County

WITNESS Assignor's hand this 16 day of December, 20 05.

Dave L. Dunnuck  
Dave L. Dunnuck

STATE OF INDIANA )  
 )SS:  
COUNTY OF BARTHOLOMEW )

Before me, a Notary Public, in and for said County and State, personally appeared the above-named Assignor, to me personally known, and who executed to foregoing Assignment in my presence and acknowledged the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth and expressed.

Terry J. Neff  
Notary Public

Printed: TERRY J. NEFF  
My Commission Expires: JACKSON APRIL 18, 2012  
Resident of JACKSON County